

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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<b>ROBERT HERRON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 2:18-cv-02862-JTF-cgc</b>
	)	
<b>MEGAN BRENNAN,</b>	)	
<b>Postmaster General,</b>	)	
	)	
<b>Defendant.</b>	)	

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**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION  
TO GRANT DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

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Before the Court is Defendant’s Motion for Summary Judgment, filed on April 30, 2021. (ECF No. 50.) On June 22, 2021, Plaintiff filed a Response. (ECF No. 54.) On July 29, 2021, the Magistrate Judge issued her Report and Recommendation (“Report”), which recommended that Defendant’s Motion be Granted. (ECF No. 57.) Plaintiff did not file any Objections to the Report within (14) days after being served with a copy of it. On September 28, 2021, the Court issued a Show Cause Order and permitted Plaintiff an additional (14) days to file Objections and show cause as to why the Court should not adopt the Magistrate Judge’s Report. (ECF No. 58.) However, Plaintiff did not file any Objections. For the following reasons, the Court **ADOPTS** the Magistrate Judge’s Report and Recommendation and finds that Defendant’s Motion for Summary Judgment should be **GRANTED**.

## **I. FINDINGS OF FACT**

Plaintiff raised no factual Objections to the Report and Recommendation. Thus, this Court adopts and incorporates, the Magistrate Judge’s proposed findings of fact in this case. (See ECF No. 57, 2-7.)

## **II. LEGAL STANDARD**

Congress passed 28 U.S.C. § 636(b) “to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates.” *United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001). Pursuant to the provision, magistrate judges may hear and determine any pretrial matter pending before the Court, except various dispositive motions. 28 U.S.C. § 636(b)(1)(A). Regarding those excepted dispositive motions, magistrate judges may still hear and submit to the district court proposed findings of fact and recommendations for disposition. 28 U.S.C. § 636(b)(1)(B). Upon hearing a pending matter, “the magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1); *see also Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). Any party who disagrees with a magistrate’s proposed findings and recommendation may file written objections to the report and recommendation. Fed. R. Civ. P. 72(b)(2).

The standard of review that is applied by the district court depends on the nature of the matter considered by the magistrate judge. *See Baker*, 67 F. App’x at 310 (citations omitted.) Usually, a district court must review dispositive motions under the *de novo* standard. Upon review, the district court may accept, reject, or modify the proposed findings or recommendations of the magistrate judge. *Brown v. Bd. of Educ.*, 47 F. Supp. 3d 665, 674 (W.D. Tenn. 2014); *see also* 28 U.S.C. § 636(b)(1). The court “may also receive evidence or recommit the matter to the [m]agistrate [j]udge with instructions.” *Moses v. Gardner*, No. 2:14-cv-2706-SHL-dkv, 2015 U.S.

Dist. LEXIS 29701, at \*3 (W.D. Tenn. Mar. 11, 2015). However, a district court is not required to review “a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). A district judge should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. *Brown*, 47 F. Supp. 3d at 674.

The Court has reviewed the record in this case, including the Complaint, Defendant’s Motion for Summary Judgment, Plaintiff’s Response, Defendant’s Reply, and the Magistrate Judge’s Report and Recommendation. (ECF Nos. 1, 50, 54, 56 & 57.) As noted above, Plaintiff has failed to file any Objections to the Report & Recommendation, and the time to do so has expired. Therefore, after a full *de novo* review of the Magistrate Judges’ Report and Recommendation, including the “Proposed Findings of Fact” and the “Proposed Conclusions of Law”, the Court **ADOPTS** the Magistrate Judge’s Recommendation that Defendant’s Motion for Summary Judgment be **GRANTED**.<sup>1</sup> Plaintiff’s Complaint is hereby **DISMISSED WITH PREJUDICE** pursuant to Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED** on this 18<sup>th</sup> day of October 2021.

**s/John T. Fowlkes, Jr.**  
John T. Fowlkes, Jr.  
United States District Judge

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<sup>1</sup> The Court notes that there is an error in the conclusion to the Magistrate Judges’ Report and Recommendation. (ECF No. 57, 14.) There, the Magistrate Judge seemingly recommends that Defendant’s Motion for Summary Judgment be DENIED. However, after a full review of the record, including the Report and Recommendation, it is clear that the Magistrate Judge’s intention was to Recommend that Defendant’s Motion for Summary Judgment be GRANTED.